

**History:**

Pub Acts 1998, No. 386, § 3702, by § 8101 eff April 1, 2000 (see § 700.8101).

**Research references:**

31 Am Jur 2d, Executors and Administrators § 376.

**§ 700.3703. General duties; relation and liability to persons interested in estate; standing to sue; accounting. [MSA § 27.13703]**

Sec. 3703. (1) A personal representative is a fiduciary who shall observe the standard of care applicable to a trustee as described by section 7302. A personal representative is under a duty to settle and distribute the decedent's estate in accordance with the terms of a probated and effective will and this act, and as expeditiously and efficiently as is consistent with the best interests of the estate. The personal representative shall use the authority conferred by this act, the terms of the will, if any, and an order in a proceeding to which the personal representative is party for the best interests of claimants whose claims have been allowed and of successors to the estate.

(2) A personal representative shall not be surcharged for acts of administration or distribution if the conduct in question was authorized at the time. Subject to other obligations of administration, an informally probated will is authority to administer and distribute the estate according to the will's terms. Whether issued in an informal or formal proceeding, an order of appointment of a personal representative is authority to distribute apparently intestate property to the decedent's heirs if, at the time of distribution, the personal representative is not aware of a pending testacy proceeding, a proceeding to vacate an order entered in an earlier testacy proceeding, a formal proceeding questioning the personal representative's appointment or fitness to continue, or a supervised administration proceeding. Nothing in this section affects the personal representative's duty to administer and distribute the estate in accordance with the rights of a claimant whose claim has been allowed, the surviving spouse, a minor or dependent child, or a pretermitted child of the decedent as described elsewhere in this act.

(3) Except as to a proceeding that does not survive the decedent's death, a personal representative of a decedent domiciled in this state at death has the same standing to sue and be sued in the courts of this state and the courts of another jurisdiction as the decedent had immediately prior to death.

(4) The personal representative shall keep each presumptive distributee informed of the estate settlement. Until a beneficiary's share is fully distributed, the personal representative shall annually, and upon completion of the estate settlement, account to each beneficiary by supplying a statement of the activities of the estate

**History:**

Pub Acts 1998, No. 386, § 700.8101).

**Statutory references:**  
Section 7302, above re

**Research references:**  
31 Am Jur 2d, Execu

**§ 700.3704. Personal representative; court order; exception.**

Sec. 3704. A personal representative is under a duty to settle and distribute the decedent's estate in accordance with the terms of a probated and effective will and this act, and as expeditiously and efficiently as is consistent with the best interests of the estate. The personal representative shall use the authority conferred by this act, the terms of the will, if any, and an order in a proceeding to which the personal representative is party for the best interests of claimants whose claims have been allowed and of successors to the estate.

**History:**

Pub Acts 1998, No. 386, § 700.8101).

**§ 700.3705. Duty of personal representative to heirs and devisees; [MSA § 27.13705]**

Sec. 3705. (1) Not later than 30 days after appointment or other notice of the appointment of a personal representative, except those who have been appointed, if there has been a change of personal representative, the personal representative of a decedent who died intestate, or a trustee of a trust described in section 7302, shall file an application for appointment as trustee of a trust described in section 7302, if the decedent was settlor. The application shall be filed with the court having jurisdiction over the estate. The personal representative is required to receive notice by personal service. The notice shall be reasonably addressed to the personal representative. However, the personal representative who was adjudicated incompetent shall have no interest in the estate. The application must be in a form approved by the court. All of the following information shall be included in the application:

(a) That the court will appoint a personal representative. This statement shall be made in a supervised proceeding.

EXHIBIT

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Estates and Protected Individuals Code

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and of the personal representative, specifying all receipts and  
disbursements and identifying property belonging to the estate.

**History:**

Pub Acts 1998, No. 386, § 3703, by § 8101 eff April 1, 2000 (see  
§ 700.8101).

**Statutory references:**

Section 7302, above referred to, is § 700.7302.

**Research references:**

31 Am Jur 2d, Executors and Administrators §§398, 404—406.

**§ 700.3704. Personal representative to proceed without  
court order; exception.** [MSA § 27.13704]

Sec. 3704. A personal representative shall proceed expeditiously  
with the settlement and distribution of a decedent's estate and,  
except as otherwise specified or ordered in regard to a supervised  
personal representative, do so without adjudication, order, or direc-  
tion of the court. However, the personal representative may invoke  
the court's jurisdiction in a proceeding authorized by this act to  
resolve a question concerning the estate or its administration.

**History:**

Pub Acts 1998, No. 386, § 3704, by § 8101 eff April 1, 2000 (see  
§ 700.8101).

**§ 700.3705. Duty of personal representative; information to  
heirs and devisees; notice to attorney general.** [MSA  
§ 27.13705]

Sec. 3705. (1) Not later than 28 days after a personal representa-  
tive's appointment or other time specified by court rule, the personal  
representative, except a special personal representative, shall give  
notice of the appointment to the decedent's heirs and devisees,  
except those who have executed a written waiver of notice, includ-  
ing, if there has been no formal testacy proceeding and if the  
personal representative is appointed on the assumption that the  
decedent died intestate, the devisees in a will mentioned in the  
application for appointment of a personal representative and to the  
trustee of a trust described in section 7501(1) as to which the  
decedent was settlor. The personal representative shall give the  
notice by personal service or by ordinary first-class mail to each  
person required to receive notice under this subsection whose  
address is reasonably available to the personal representative.  
However, the personal representative is not required to notify a  
person who was adjudicated in a prior formal testacy proceeding to  
have no interest in the estate. The notice required under this section  
must be in a form approved by the supreme court and must include  
all of the following information:

(a) That the court will not supervise the personal representa-  
tive. This statement shall not be included if the appointment is  
made in a supervised proceeding under part 5 of this article.